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**EXPEDITED PROCEDURE REQUESTED  
EXAMINING GROUP 3651**

**PATENT**

Attorney Docket No. 02405.0248-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Steen NIELSEN ) Group Art Unit: 3651  
)  
Application No.: 10/516,607 ) Examiner: Leslie August Nicholson, III  
)  
Filed: May 17, 2005 )  
) Confirmation No.: 7121  
)  
For: METHOD AND DEVICE FOR )  
INTRODUCING ESSENTIALLY ) **Mail Stop AF**  
RECTANGULAR PIECES OF )  
CLOTH INTO A FEEDER )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR WITHDRAWAL OF PREMATURE FINAL REJECTION**

Applicant respectfully requests reconsideration and withdrawal of the finality of the Office Action of December 12, 2006 in the above-identified application.

This request is not to be considered responsive as a reply under either 37 C.F.R. § 1.111 or 37 C.F.R. § 1.116 to the Office Action dated December 12, 2006.

In the outstanding Office Action, the Examiner for the first time relies upon the U.S. Patent to Branch, No. 5,419,439, and the British patent document to Mehrhoff No. 2,219,313. This Office Action is the second Action in this case, the first Office Action having been issued on June 26, 2006.

The Manual of Patent Examining Procedure at Section 706.07(a) clearly provides in pertinent part as follows:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is [not] necessitated by applicant's amendment of the claims....

It is submitted that a new ground of rejection herein was not necessitated by amendment of the application by applicant. In the first Office Action, the Examiner rejected the claims under 35 U.S.C. § 102(b) based on the patents to Bucher, Reget, Peirce, and Scovell. In the Amendment filed November 27, 2006, claims 1-10 were canceled and replaced with claims 11-20. As noted in the Remarks, these replacement claims followed generally the format of the original claims but were made broader in some respects and more restrictive in other respects.

The four cited patents related respectively to the feeding of potatoes, cakes, fruit, and logs. The thrust of the argument against these patents was that none of the cited art was relevant to the claims. This lack of relevancy was said to include a complete absence of recognition that all claims 11-20 related to a device for feeding an essentially rectangular piece of cloth to a feeder or to a method of feeding essentially a rectangular piece of cloth to a feeder. Limitations in the claim language dealing with manipulation of the piece of cloth were pointed out to stress that structure in the cited art that handled potatoes, cakes, fruit, and logs was not relevant.

The Examiner has now dropped the four irrelevant patents and cited for the first time Branch and Mehrhoff in rejections of the claims, also under 35 U.S.C. § 102(b). It is submitted that these references were cited in response to the applicant's argument on the lack of relevancy of the art on which the Examiner has relied, and was not necessitated by amendment of the application. Indeed, the Examiner has not even tried to contend that the amendment necessitated the final rejection. Thus, making the

second Office Action final where new grounds of rejection have been introduced is clearly prohibited by the above-quoted section of the Manual.

It is further noted that both Branch and Mehrhoff could have been available to the Examiner for citation in the first Office Action because Branch issued in May 1995 and Mehrhoff was published in December 1989.

The final Office Action was prematurely issued. It is submitted that applicant should be entitled to an opportunity to respond fully to the new grounds of rejection and newly-cited art without being restricted by the requirements set forth in 37 C.F.R. § 1.116.

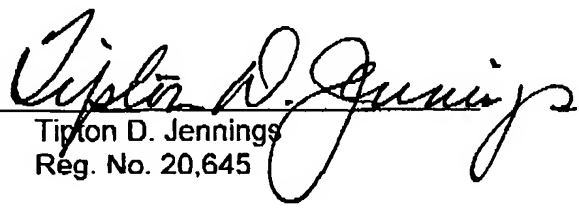
In view of the foregoing, it is submitted that an issue has not been reached and that the finality of the Office Action of December 12, 2006 is premature and should be withdrawn.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 17, 2007

By:

  
Tipton D. Jennings  
Reg. No. 20,645